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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,991	07/08/2003	Yoshikazu Watanabe	1046.1295	6252

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EXAMINER

BRINEY III, WALTER F

ART UNIT	PAPER NUMBER
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2646

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/613,991	Applicant(s) WATANABE ET AL.	
	Examiner Walter F. Briney III	Art Unit 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-9, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-9, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/23/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Sudo et al. (US Patent 6,223,058).**

Claim 11 is limited to *a storage medium readable by machine*. Sudo discloses a communication terminal apparatus and control method thereof. See Abstract. The terminal apparatus is depicted in figures 2-4 as a cellular/mobile telephone. The telephone includes a rotary switch (4). The telephone includes many functions that are accessed by way of the rotary switch (4), these include a telephone book, alarm, volume control, and, of course, calling. See figures 18, 27, 31, and column 10, lines 24-31. Sudo discloses that the rotary switch operates by detecting the direction of the rotary switch based on which track first generates an electrical pulse. The amount of rotation is tracked by a counter within the controller (i.e. *measuring a rotational volume of said operation device*). See column 9, line 60 to column 10, line 6. Sudo depicts in several figures that the rotational motion of the switch is symbolized on the LCD of the communication terminal, the controller being ultimately responsible for indicating these results to the LCD (i.e. *detecting an operated content from a rotation of an operation device*).

The display for making a call, depicted in figure 21, includes the most frequently called contacts, arranged from 1-to-9. Thus, the contact (Robert) is the maximum and the contact (Nick) is the minimum. Sudo discloses that these values are navigated using the rotary switch, thus when the cursor (K) highlights (Robert), the output is at a max, and when the cursor (K) highlights (Nick), the output is at a min (*i.e. notifying of the operation content causing an output in accordance with a measured result when the operation content is a maximum or minimum at predetermined time*). Note, the *predetermined time*, is simply whenever the operation content reaches a maximum or minimum. See column 11, lines 12-20. Therefore, Sudo anticipates all limitations of the claim.

Claim 12 recites essentially the same subject matter as claim 11, and is rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sudo et al. (US Patent 6,223,058) in view of the Motorola Timeport 270c wireless telephone user's manual (Copyright 2001 Motorola, Inc., herein "the 270c manual").**

Claim 3 is limited to *an information processing terminal*. Sudo discloses a communication terminal apparatus and control method thereof. See Abstract. The

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terminal apparatus is depicted in figures 2-4 as a cellular/mobile telephone. The telephone includes a rotary switch (4). The telephone includes many functions that are accessed by way of the rotary switch (4), these include a telephone book, alarm, volume control, and, of course, calling (i.e. *a rotary operation unit provided on a terminal stored with a variety of functions and performing a various operations of said terminal by a rotational operation thereof*). See figures 18, 27, 31, and column 10, lines 24-31.

Sudo discloses that the rotary switch operates by detecting the direction of the rotary switch based on which track first generates an electrical pulse. The amount of rotation is tracked by a counter within the controller (i.e. *a rotational volume measuring unit measuring a rotational volume of said rotary operation unit*). See column 9, line 60 to column 10, line 6. Sudo depicts in several figures that the rotational motion of the switch is symbolized on the LCD of the communication terminal. Also, Sudo discloses adjusting the volume of the ringer using the rotary switch, illustrated in figure 31. In this way, both the LCD and speaker correspond to *an output unit outputting an output based on an operation result of said rotary operation unit*. In operation, the controller is ultimately responsible for indicating the results of rotationally translating the switch to the LCD and speaker. Thus the controller corresponds to *an operation content notifying unit notifying of a content of the operation result causing said output in accordance with a result of measurement by said rotational volume measuring unit*.

As mentioned above, Sudo discloses an alarm feature (column 15, lines 32-36). Alarms are devices that are programmed to generate a notification (e.g. audible ringer)

at a certain time (i.e. *further comprising a timer unit setting said operation content notifying unit to notify at a predetermined time*).

The display for making a call, depicted in figure 21, includes the most frequently called contacts, arranged from 1-to-9. Thus, the contact (Robert) is the maximum and the contact (Nick) is the minimum. Sudo discloses that these values are navigated using the rotary switch, thus when the cursor (K) highlights (Robert), the output is at a max, and when the cursor (K) highlights (Nick), the output is at a min (i.e. *wherein said operation content notifying unit notifies that an output content outputted from said output unit is a maximum or minimum*). See column 11, lines 12-20. However, the above described operation content notifying is not dependent on the occurrence of a predetermined time as identified by the timer unit. Therefore, Sudo anticipates all limitations of the claim with the exception of *when an output content...is set to a maximum or minimum at said predetermined time, said operation content notifying unit notifies that an output content...is a maximum or minimum*.

As a first matter, the examiner takes Official Notice of the fact that audible ringing alarms were well known at the time of the invention. Evidence of this is provided in the user's manual for the Motorola Timeport 270c wireless phone. See pages 116 and 117. As Sudo does not provide any description concerning the alarm feature mentioned above, providing inherent motivation to use a known prior art implementation to reduce the burden of designing a new alarm setting feature. Thus, the "Alert Detail" feature of the 270c manual allows programming of a ringer type and volume for a scheduled datebook event, which corresponds to the alarm feature disclosed by Sudo. It follows

that if a datebook entry is set to go off at a predetermined time, an audible ringer will be sounded in accordance with the programmed settings, the settings including a type of ring and the volume. If the volume is at a maximum or minimum, the user will be essentially made aware of that based on the loudness of the ringing alert generated by the loudspeaker at said predetermined time.

It would have been obvious to one of ordinary skill in the art at the time of the invention to produce an audible ringing alarm as was known in the prior art and evidenced by the 270c manual and to implement the alarm setting function as taught by the 270c manual simply because Sudo does not indicate how to do so.

Claim 4 is limited to *an information processing terminal according to claim 3*, as covered by Sudo in view of the 270c manual. Figures 2-4 depict the motion of the rotary switch (4). The UP direction is analogous to clockwise and the DOWN direction is analogous to counterclockwise. As indicated in column 11, lines 12-20, moving the rotary dial upward causes the display to approach the maximum entry (Robert) (i.e. *wherein an output level from said output unit changes to a direction of maximum output value as said rotary operation unit rotates clockwise*). Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 5 is limited to *an information processing terminal according to any one of claims 3 or 4*, as covered by Sudo in view of the 270c manual. Figures 2-4 depict the motion of the rotary switch (4). The UP direction is analogous to clockwise and the DOWN direction is analogous to counterclockwise. As indicated in column 11, lines 12-20, moving the rotary dial downward causes the display to approach the minimum entry

(Nick) (i.e. *wherein the output level from said output unit changes to a direction of minimum output value as said rotary operation unit rotates counterclockwise*).

Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 6 is limited to *an information processing terminal according to claim 3*, as covered by Sudo in view of the 270c manual. Sudo discloses the operation of the rotary switch in connection with figures 15 and 16. The controller counts the number of pulses, and thus, can detect the number of rotations that have occurred (i.e. *wherein said rotational volume measuring unit measures an angle of rotation or the number of rotations of said rotary operation unit*). See column 9, line 60 to column 10, line 6).

Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 7 is limited to *an information processing terminal according to any one of claims 3 or 6*, as covered by Sudo in view of the 270c manual. The *output unit* has been shown to correspond to either the LCD or loudspeaker of the telephone disclosed by Sudo. Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 8 is limited to *an information processing terminal according to claim 7*, as covered by Sudo in view of the 270c manual. Sudo discloses adjusting the volume of the received signal during communication using the circumferential motion of the rotary switch (i.e. *wherein said rotary operation unit controls a level of the sound outputted from said loudspeaker*). Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 9 is limited to *an information processing terminal according to any one of claims 3 or 6*, as covered by Sudo in view of the 270c manual. Figure 30 depicts more menus for use in the communication terminal of Sudo. In particular, the LCD Density can be adjusted; this corresponds to brightness setting (i.e. *wherein said rotary operation unit controls a luminance on a screen of a display device*). Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Response to Arguments

Applicant's arguments with respect to claims 3-9, 11 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SINH TRAN
SUPERVISORY PATENT EXAMINER

WFB
6/10/05